

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)
JOHN C. HIXON, JR,) **Case No. 17-22075-CMB**
)
) **Chapter 13**
Debtor(s).)
_____ X

STIPULATED ORDER MODIFYING PLAN

WHEREAS, this matter is being presented to the Court regarding

[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]:

- ☒ a motion to dismiss case or certificate of default requesting dismissal
- ☐ a plan modification sought by: _____
- ☐ a motion to lift stay
as to creditor _____
- ☐ Other: _____

WHEREAS, the parties having agreed to settle the matter above conditioned on the terms herein, based on the records of the Court, and the Court being otherwise sufficiently advised in the premises; and there being no adverse impact upon other parties by way of this action, thus no notice is required to be given; now therefore

IT IS HEREBY ORDERED that the

[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]

- ☐ Chapter 13 Plan dated _____
- ☒ Amended Chapter 13 Plan dated May 26, 2020

is modified as follows:

[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]

- ☒ Debtor(s) Plan payments shall be changed from \$965 to \$717 per month, effective 9/22; and/or the Plan term shall be changed from ____ months to ____ months.

- ☐ In the event that Debtor(s) fail(s) to make any future Chapter 13 Plan payments, the Trustee or a party in interest may file with the Court and serve upon Debtor(s) and Debtor(s)' Counsel a notice of default advising the Debtor(s) that they have 30 days from the service of the notice in which to cure any and all defaults in payments. If Debtor(s) fail(s) to cure the defaults in payments after having been provided notice under the provision of this Stipulated Order, then the Trustee or a party in interest may submit an Order of Dismissal to the Bankruptcy Court along with an affidavit attesting to a failure to make Plan payments, and the proceedings or case may thereafter be dismissed without prejudice and without further hearing or notice.
- ☐ Debtor(s) shall file and serve _____ on or before _____.
- ☐ If any of the foregoing is not completed by the date specified, the case may be dismissed without prejudice without further notice or hearing upon the filing by the Trustee of an Affidavit of Non-Compliance.
- ☐ If any of the foregoing is not completed by the date specified, the automatic stay as to the property described as _____ may be lifted without further notice or hearing upon the filing by the Creditor herein of an Affidavit of Non-Compliance.
- ☒ Other:
- Trustee's Certificate of Default (at Doc 127) is treated as resolved by this Order.
 - The amended plan dated 1/24/22 (at Doc 134) is withdraw as moot as a result of the entry of this order.
 - PNC Bank NA CL. #2-2 as pay in full with payments determined by trustee to pay in full.
 - PNC Bank NA CL. #2-2 to be paid escrow in the amount of \$215.68 beginning 1/22 per notice of mortgage payment change dated 11/19/21
 - Debtor to immediately implement an ACH or TFS, whichever is applicable.

IT IS FURTHER ORDERED that to the extent any creditor opposes the relief contained herein, such creditor must file an objection to the same within fourteen (14) days hereof. Should such an objection be timely filed, the Court shall conduct a *de novo* hearing regarding the appropriateness of this Stipulated Order. Should no objection be timely filed, this Stipulated Order shall be deemed final without further notice and/or opportunity for a hearing.

IT IS FURTHER ORDERED that in all other respects, the Plan and Order Confirming Plan shall remain in full force and effect. The filing party represents to the Court that all affected parties have been notified.

[Remainder of Page Intentionally Left Blank]

SO ORDERED, this ____ day of _____, 202__

United States Bankruptcy Judge

Stipulated by:

/s/ Mark A. Rowan
Counsel to Debtor

Stipulated by:

/s/ Owen W. Katz
Counsel to Chapter 13 Trustee

Stipulated by:

Counsel to affected creditor

cc: All Parties in Interest to be served by Clerk